

Calendar No. 466

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1259**

[Report No. 105-246]

**A BILL**

To authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes.

JULY 10, 1998

Reported with amendments

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2<sup>D</sup> SESSION**S. 1259****[Report No. 105–246]**

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 1997

Ms. SNOWE (for herself, Mr. HOLLINGS, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 10, 1998

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Coast Guard Author-  
5       ization Act for Fiscal Years 1998 and 1999”.

1 **SEC. 2. TABLE OF SECTIONS.**

2 The table of sections for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of sections.

Title I—Appropriations; Authorized Levels

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Title II—Coast Guard Management

Sec. 201. Severance pay.

*Sec. 202. Authority to implement and fund certain awards programs.*

Sec. ~~202~~. 203. Use of appropriated funds for commercial vehicles at military funerals.

Sec. ~~203~~. 204. Authority to reimburse Novato, California, Reuse Commission.

Sec. ~~204~~. 205. Eliminate supply fund reimbursement requirement.

*Sec. 205. Authority to implement and fund certain awards programs.*

Sec. 206. Disposal of certain material to Coast Guard Auxiliary.

Title III—Marine Safety and Environmental Protection.

Sec. 301. Alcohol testing.

Sec. 302. Penalty for violation of International Safety Convention.

Sec. 303. Protect marine casualty investigations from mandatory release.

Sec. 304. Eliminate biennial research and development report.

Sec. 305. Extension of territorial sea for certain laws.

Sec. 306. Law enforcement authority for special agents of the Coast Guard Investigative Service.

Title IV—Miscellaneous

Sec. 401. Vessel Identification System amendments.

Sec. 402. Conveyance of communication station Boston Marshfield receiver site, Massachusetts.

Sec. 403. Conveyance of Nahant parcel, Essex County, Massachusetts.

Sec. 404. Conveyance of Eagle Harbor Light Station.

Sec. 405. Conveyance of Coast Guard station, Ocracoke, North Carolina.

Sec. 406. Conveyance of Coast Guard property to Jacksonville University, Florida.

Sec. 407. Coast Guard City, USA.

Sec. 408. Vessel documentation clarification.

Sec. 409. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.

3 **TITLE I—APPROPRIATIONS;**  
4 **AUTHORIZED LEVELS**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) *FISCAL YEAR 1998*.—Funds are authorized to be  
7 appropriated for necessary expenses of the Coast Guard  
8 for fiscal year 1998, as follows:

1           (1) For the operation and maintenance of the  
2       Coast Guard, \$2,740,000,000, of which \$25,000,000  
3       shall be derived from the Oil Spill Liability Trust  
4       Fund.

5           (2) For the acquisition, construction, rebuild-  
6       ing, and improvement of aids to navigation, shore  
7       and offshore facilities, vessels, and aircraft, includ-  
8       ing equipment related thereto, \$379,000,000, to re-  
9       main available until expended, of which \$20,000,000  
10      shall be derived from the Oil Spill Liability Trust  
11      Fund to carry out the purposes of section  
12      1012(a)(5) of the Oil Pollution Act of 1990.

13          (3) For research, development, test, and evalua-  
14      tion of technologies, materials, and human factors  
15      directly relating to improving the performance of the  
16      Coast Guard's mission in support of search and res-  
17      cue, aids to navigation, marine safety, marine envi-  
18      ronmental protection, enforcement of laws and trea-  
19      ties, ice operations, oceanographic research, and de-  
20      fense readiness, \$19,000,000, to remain available  
21      until expended, of which \$3,500,000 shall be derived  
22      from the Oil Spill Liability Trust Fund.

23          (4) For retired pay (including the payment of  
24      obligations otherwise chargeable to lapsed appropria-  
25      tions for this purpose), payments under the Retired

1       Serviceman's Family Protection and Survivor Bene-  
2       fit Plans, and payments for medical care of retired  
3       personnel and their dependents under chapter 55 of  
4       title 10, United States Code, \$645,696,000.

5           (5) For alteration or removal of bridges over  
6       navigable waters of the United States constituting  
7       obstructions to navigation, and for personnel and  
8       administrative costs associated with the bridge alter-  
9       ation program, \$26,000,000 to remain available  
10      until expended.

11          (6) For environmental compliance and restora-  
12      tion at Coast Guard facilities functions (other than  
13      parts and equipment associated with operations and  
14      maintenance), \$21,000,000, to remain available until  
15      expended.

16      (b) *FISCAL YEAR 1999*.—Funds are authorized to be  
17      appropriated for necessary expenses of the Coast Guard  
18      for fiscal year 1999, as follows:

19          (1) For the operation and maintenance of the  
20      Coast Guard, \$2,740,000,000, of which \$25,000,000  
21      shall be derived from the Oil Spill Liability Trust  
22      Fund.

23          (2) For the acquisition, construction, rebuild-  
24      ing, and improvement of aids to navigation, shore  
25      and offshore facilities, vessels, and aircraft, includ-

1       ing equipment related thereto, \$379,000,000, to re-  
2       main available until expended, of which \$20,000,000  
3       shall be derived from the Oil Spill Liability Trust  
4       Fund to carry out the purposes of section  
5       1012(a)(5) of the Oil Pollution Act of 1990.

6               (3) For research, development, test, and evalua-  
7       tion of technologies, materials, and human factors  
8       directly relating to improving the performance of the  
9       Coast Guard's mission in support of search and res-  
10      cue, aids to navigation, marine safety, marine envi-  
11      ronmental protection, enforcement of laws and trea-  
12      ties, ice operations, oceanographic research, and de-  
13      fense readiness, \$19,000,000, to remain available  
14      until expended, of which \$3,500,000 shall be derived  
15      from the Oil Spill Liability Trust Fund.

16              (4) For retired pay (including the payment of  
17      obligations otherwise chargeable to lapsed appropria-  
18      tions for this purpose), payments under the Retired  
19      Serviceman's Family Protection and Survivor Bene-  
20      fit Plans, and payments for medical care of retired  
21      personnel and their dependents under chapter 55 of  
22      title 10, United States Code, \$675,568,000.

23              (5) For alteration or removal of bridges over  
24      navigable waters of the United States constituting  
25      obstructions to navigation, and for personnel and

1 administrative costs associated with the bridge alter-  
 2 ation program, \$26,000,000 to remain available  
 3 until expended.

4 (6) For environmental compliance and restora-  
 5 tion at Coast Guard facilities functions (other than  
 6 parts and equipment associated with operations and  
 7 maintenance), \$21,000,000, to remain available until  
 8 expended.

9 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
 10 **AND TRAINING.**

11 (a) *1998 END-OF-YEAR STRENGTH.*—The Coast  
 12 Guard is authorized an end-of-year strength for active  
 13 duty personnel of 37,660 as of September 30, 1998.

14 (b) *1998 MILITARY TRAINING STUDENT LOADS.*—For  
 15 fiscal year 1998, the Coast Guard is authorized average  
 16 military training student loads as follows:

17 (1) For recruit and special training, 1,368 stu-  
 18 dent years.

19 (2) For flight training, 98 student years.

20 (3) For professional training in military and ci-  
 21 vilian institutions, 283 student years.

22 (4) For officer acquisition, 797 student years.

23 (c) *1999 END-OF-YEAR STRENGTH.*—The Coast  
 24 Guard is authorized an end-of-year strength for active

1 duty personnel of such numbers as may be necessary as  
2 of September 30, 1999.

3 (d) *1999 MILITARY TRAINING STUDENT LOADS*.—For  
4 fiscal year 1999, the Coast Guard is authorized average  
5 military training student loads as follows:

6 (1) For recruit and special training, such stu-  
7 dent years as may be necessary.

8 (2) For flight training, such student years as  
9 may be necessary.

10 (3) For professional training in military and ci-  
11 vilian institutions, such student years as may be nec-  
12 essary.

13 (4) For officer acquisition, such student years  
14 as may be necessary.

## 15 **TITLE II—COAST GUARD** 16 **MANAGEMENT**

### 17 **SEC. 201. SEVERANCE PAY.**

18 (a) ~~Warrant Officers~~.—*WARRANT OFFICERS*.—Sec-  
19 tion 286a(d) of title 14, United States Code, is amended  
20 by striking the last sentence.

21 (b) *SEPARATED OFFICERS*.—Section 286a of title 14,  
22 United States Code, is amended by striking the period at  
23 the end of subsection (b) and inserting “, unless the officer  
24 is separated with an other than ~~Honorable Discharge~~ *hon-*  
25 *orable discharge* and the Secretary of the Service in which



1 the Coast Guard is operating determines that the condi-  
 2 tions under which the officer is discharged or separated  
 3 do not warrant payment of severance pay.”.

4 (c) EXCEPTION.—Section 327 of title 14, United  
 5 States Code, is amended by striking the period at the end  
 6 of paragraph (b)(3) and inserting “, unless the Secretary  
 7 determines that the conditions under which the officer is  
 8 discharged or separated do not warrant payment of sever-  
 9 ance pay.”.

10 **SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**  
 11 **AWARDS PROGRAMS.**

12 (a) *Section 93 of title 14, United States Code, is*  
 13 *amended —*

14 (1) *by striking “and” after the semicolon at the*  
 15 *end of paragraph (u);*

16 (2) *by striking the period at the end of para-*  
 17 *graph (v) and inserting “; and”; and*

18 (3) *by adding at the end the following new para-*  
 19 *graph:*

20 “(w) *provide for the honorary recognition of in-*  
 21 *dividuals and organizations that significantly con-*  
 22 *tribute to Coast Guard programs, missions, or oper-*  
 23 *ations, including but not limited to state and local*  
 24 *governments and commercial and nonprofit organiza-*  
 25 *tions, and pay for, using any appropriations or funds*

1       *available to the Coast Guard, plaques, medals, tro-*  
 2       *phies, badges, and similar items to acknowledge such*  
 3       *contribution (including reasonable expenses of cere-*  
 4       *mony and presentation).”.*

5   **SEC. ~~202.~~ 203. USE OF APPROPRIATED FUNDS FOR COM-**  
 6                   **MERCIAL VEHICLES AT MILITARY FUNERALS.**

7       Section 93 of title 14, United States Code, as amend-  
 8   ed by ~~Section 203~~ *section 202* of this Act, is further  
 9   amended—

10           (1) by striking “and” after the semicolon at the  
 11   end of paragraph (v);

12           (2) by striking the period at the end of para-  
 13   graph (w) and inserting “; and”; and

14           (3) by adding at the end the following new  
 15   paragraph:

16           “(x) rent or lease, under such terms and condi-  
 17   tions as are deemed advisable, commercial vehicles  
 18   to transport the next of kin of eligible retired Coast  
 19   Guard military personnel to attend funeral services  
 20   of the service member at a national cemetery.”.

21   **SEC. ~~203.~~ 204. AUTHORITY TO REIMBURSE NOVATO, CALI-**  
 22                   **FORNIA, REUSE COMMISSION.**

23       The Commandant *of the United States Coast Guard*  
 24   may use up to \$25,000 to provide economic adjustment  
 25   assistance for the City of Novato, California, for the cost

1 of revising the Hamilton Reuse Planning Authority's reuse  
 2 plan as a result of the Coast Guard's request for housing  
 3 at Hamilton Air Force Base. If the Department of De-  
 4 fense provides such economic adjustment assistance to the  
 5 City of Novato on behalf of the Coast Guard, then the  
 6 Coast Guard may use the amount authorized for use in  
 7 the preceding sentence to reimburse the Department of  
 8 Defense for the amount of economic adjustment assistance  
 9 provided to the City of Novato by the Department of De-  
 10 fense.

11 **SEC. 204. 205. ELIMINATE SUPPLY FUND REIMBURSEMENT**  
 12 **REQUIREMENT.**

13 Subsection 650(a) of title 14, United States Code, is  
 14 amended by striking “The fund shall be credited with the  
 15 value of materials consumed, issued for use, sold, or other-  
 16 wise disposed of, such values to be determined on a basis  
 17 that will approximately cover the cost thereof.” *the last*  
 18 *sentence* and inserting “In these regulations, whenever the  
 19 fund is reduced to delete items stocked, the Secretary may  
 20 reduce the existing capital of the fund by the value of the  
 21 materials transferred to other Coast Guard accounts. Ex-  
 22 cept for the materials so transferred, the fund shall be  
 23 credited with the value of materials consumed, issued for  
 24 use, sold, or otherwise disposed of, such values to be deter-

1 mined on a basis that will approximately cover the cost  
2 thereof.”.

3 **SEC. 205. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**  
4 **AWARDS PROGRAMS.**

5 (a) Section 93 of title 14, United States Code, is  
6 amended —

7 (1) by striking “and” after the semicolon at the  
8 end of paragraph (w);

9 (2) by striking the period at the end of para-  
10 graph (x) and inserting “; and”; and

11 (3) by adding at the end the following new  
12 paragraph:

13 “(y) provide for the honorary recognition of in-  
14 dividuals and organizations that significantly con-  
15 tribute to Coast Guard programs, missions, or oper-  
16 ations, including but not limited to state and local  
17 governments and commercial and nonprofit organi-  
18 zations, and pay for, using any appropriations or  
19 funds available to the Coast Guard, plaques, medals,  
20 trophies, badges, and similar items to acknowledge  
21 such contribution (including reasonable expenses of  
22 ceremony and presentation).”.

1 **SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST**  
2 **GUARD AUXILIARY.**

3 (a) Section 641 of title 14, United States Code, is  
4 amended—

5 (1) by striking “to the Coast Guard Auxiliary,  
6 including any incorporated unit thereof,” in sub-  
7 section (a) ; and

8 (2) by adding at the end thereof the following:

9 “(f)(1) Notwithstanding any other law, the Com-  
10 mandant may directly transfer ownership of personal  
11 property of the Coast Guard to the Coast Guard Auxiliary  
12 (including any incorporated unit thereof), with or without  
13 charge, if the Commandant determines—

14 “(A) after consultation with the Administrator  
15 of General Services, that the personal property is ex-  
16 cess to the needs of the Coast Guard but is suitable  
17 for use by the Auxiliary in performing Coast Guard  
18 functions, powers, duties, roles, missions, or oper-  
19 ations as authorized by law pursuant to section 822  
20 of this title; and

21 “(B) that such excess property will be used  
22 solely by the Auxiliary for such purposes.

23 “(2) Upon transfer of personal property under para-  
24 graph (1), no appropriated funds shall be available for the  
25 operation, maintenance, repair, alteration, or replacement

1 of such property, except as permitted by section 830 of  
 2 this title.”.

### 3 **TITLE III—MARINE SAFETY AND** 4 **ENVIRONMENTAL PROTECTION**

#### 5 **SEC. 301. ALCOHOL TESTING.**

6 (a) ADMINSTRATIVE PROCEDURE.—Section 7702 of  
 7 title 46, United States Code, is amended—

8 (1) by striking “(1)” in subsection (c);

9 (2) by redesignating paragraph (2) of sub-  
 10 section (c) as subsection (d)(1) and by redesignating  
 11 subsection (d) as subsection (e);

12 (3) by striking “may” in the second sentence of  
 13 subsection (d)(1) as redesignated, and inserting  
 14 “shall”; and

15 (4) by adding at the end of subsection (d), as  
 16 redesignated, the following:

17 “(2) The Secretary shall establish procedures to  
 18 ensure that after a serious marine incident occurs,  
 19 alcohol testing of crew members responsible for the  
 20 operation or other safety-sensitive functions of the  
 21 vessel or vessels involved in such incident is con-  
 22 ducted no later than two hours after the incident is  
 23 stabilized.”.

1 (b) INCREASE IN CIVIL PENALTY.—Section 2115 of  
 2 title 46, United States Code, is amended by striking  
 3 “\$1,000” and inserting “\$5,000”.

4 (c) INCREASE IN NEGLIGENCE PENALTY.—Section  
 5 2302(c)(1) of title 46, United States Code, is amended  
 6 by striking “\$1,000 for a first violation and not more than  
 7 \$5,000 for a subsequent violation; or” and inserting  
 8 “\$5,000; or”.

9 **SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL**  
 10 **SAFETY CONVENTION.**

11 ~~(a) IN GENERAL.~~—Section 2302 of title 46, United  
 12 States Code, is amended by adding at the following new  
 13 subsection:

14 “(e)(1) A vessel may not be used to transport cargoes  
 15 sponsored by the United States Government if the vessel  
 16 has been detained by the Secretary for violation of an  
 17 international safety convention to which the United States  
 18 is a party, and the Secretary has published notice of that  
 19 detention.

20 ~~“(2) The prohibition in paragraph (1) expires~~  
 21 ~~for a vessel 1 year after the date of the detention~~  
 22 ~~on which the prohibition is based or upon the Sec-~~  
 23 ~~retary granting an appeal of the detention on which~~  
 24 ~~the prohibition is based.~~

1           ~~“(3) The head of a Federal Agency may grant~~  
 2           ~~an exemption from the prohibition in paragraph (1)~~  
 3           ~~on a case by case basis if the owner of the vessel to~~  
 4           ~~be used for transport of the cargo sponsored by the~~  
 5           ~~United States Government can provide compelling~~  
 6           ~~evidence that the vessel is currently in compliance~~  
 7           ~~with applicable international safety conventions to~~  
 8           ~~which the United States is a party.~~

9           ~~“(4) As used in this subsection, the term ‘cargo~~  
 10          ~~sponsored by the United States Government’ means~~  
 11          ~~cargo for which a Federal agency contracts directly~~  
 12          ~~for shipping by water or for which (or the freight of~~  
 13          ~~which) a Federal agency provides financing, includ-~~  
 14          ~~ing financing by grant, loan, or loan guarantee, re-~~  
 15          ~~sulting in shipment of the cargo by water.”.~~

16          ~~“(2) The prohibition in paragraph (1) expires for a~~  
 17          ~~vessel 1 year after the date of the detention on which the~~  
 18          ~~prohibition is based or upon the Secretary granting an ap-~~  
 19          ~~peal of the detention on which the prohibition is based.~~

20          ~~“(3) The head of a Federal Agency may grant an ex-~~  
 21          ~~emption from the prohibition in paragraph (1) on a case~~  
 22          ~~by case basis if the owner of the vessel to be used for trans-~~  
 23          ~~port of the cargo sponsored by the United States Govern-~~  
 24          ~~ment can provide compelling evidence that the vessel is cur-~~



1 rently in compliance with applicable international safety  
 2 conventions to which the United States is a party.

3 “(4) As used in this subsection, the term ‘cargo spon-  
 4 sored by the United States Government’ means cargo for  
 5 which a Federal agency contracts directly for shipping by  
 6 water or for which (or the freight of which) a Federal agen-  
 7 cy provides financing, including financing by grant, loan,  
 8 or loan guarantee, resulting in shipment of the cargo by  
 9 water.”.

10 **SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS**  
 11 **FROM MANDATORY RELEASE.**

12 Section 6305(b) of title 46, United States Code, is  
 13 amended by striking all after “public” and inserting a pe-  
 14 riod and “This subsection does not require the release of  
 15 information described by section 552(b) of title 5 or pro-  
 16 tected from disclosure by another law of the United  
 17 States.”.

18 **SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOP-**  
 19 **MENT REPORT.**

20 ~~(a)~~ Section 7001 of the Oil Pollution Act of 1990 (33  
 21 U.S.C. ~~2701 et seq.~~ 2761) is amended by striking sub-  
 22 section (e) and by redesignating subsection (f) as sub-  
 23 section (e).

1 **SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN**  
2 **LAWS.**

3 (a) PORTS AND WATERWAYS SAFETY ACT.—Section  
4 102 of the Ports and Waterways Safety Act (33 U.S.C.  
5 1222) is amended by adding at the end the following:

6 “(5) ‘Navigable waters of the United States’ in-  
7 cludes all waters of the territorial sea of the United  
8 States as described in Presidential Proclamation  
9 5928 of December 27, 1988.”.

10 (b) SUBTITLE II OF TITLE 46.—

11 (1) Section 2101 of title 46, United States  
12 Code, is amended—

13 (A) by redesignating paragraph (17a) as  
14 paragraph (17b); and

15 (B) by inserting after paragraph (17) the  
16 following:

17 “(17a) ‘navigable waters of the United States’  
18 includes all waters of the territorial sea of the  
19 United States as described in Presidential Proclama-  
20 tion 5928 of December 27, 1988.”.

21 (2) Section 2301 of that title is amended by in-  
22 serting “(including the territorial sea of the United  
23 States as described in Presidential Proclamation  
24 5928 of December 27, 1988)” after “of the United  
25 States”.

1           (3) Section 4102(e) of that title is amended by  
2       striking “on the high seas” and inserting “beyond 3  
3       nautical miles from the baselines from which the ter-  
4       ritorial sea of the United States is measured”.

5           (4) Section 4301(a) of that title is amended by  
6       inserting “(including the territorial sea of the United  
7       States as described in Presidential Proclamation  
8       5928 of December 27, 1988)” after “of the United  
9       States”.

10          (5) Section 4502(a)(7) of that title is amended  
11       by striking “on vessels that operate on the high  
12       seas” and inserting “beyond 3 nautical miles from  
13       the baselines from which the territorial sea of the  
14       United States is measured”.

15          (6) Section 4506(b) of that title is amended by  
16       striking paragraph (2) and inserting the following:

17           “(2) is operating—

18               “(A) in internal waters of the United  
19               States; or

20               “(B) within 3 nautical miles from the  
21               baselines from which the territorial sea of the  
22               United States is measured.”.

23          (7) Section 8502(a)(3) of that title is amended  
24       by striking “not on the high seas” and inserting:  
25       “not beyond 3 nautical miles from the baselines

1 from which the territorial sea of the United States  
2 is measured”.

3 (8) Section 8503(a)(2) of that title is amended  
4 by striking paragraph (2) and inserting the follow-  
5 ing:

6 “(2) is operating—

7 “(A) in internal waters of the United  
8 States; or

9 “(B) within 3 nautical miles from the  
10 baselines from which the territorial sea of the  
11 United States is measured.”.

12 **SEC. 306. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**  
13 **AGENTS OF THE COAST GUARD INVESTIGA-**  
14 **TIVE SERVICE.**

15 (a) **AUTHORITY.**—Section 95 of title 14, United  
16 States Code, is amended to read as follows:

17 **“§ 95. Special agents of the Coast Guard Investigative**  
18 **Service law enforcement authority**

19 “(a)(1) A special agent of the Coast Guard Investiga-  
20 tive Service designated under subsection (b) has the fol-  
21 lowing authority:

22 “(A) To carry firearms.

23 “(B) To execute and serve any warrant or other  
24 process issued under the authority of the United  
25 States.

1           “(C) To make arrests without warrant for—

2                   “(i) any offense against the United States  
3           committed in the agent’s presence; or

4                   “(ii) any felony cognizable under the laws  
5           of the United States if the agent has probable  
6           cause to believe that the person to be arrested  
7           has committed or is committing the felony.

8           “(2) The authorities provided in paragraph (1) shall  
9   be exercised only in the enforcement of statutes for which  
10 the Coast Guard has law enforcement authority, or in exi-  
11 gent circumstances.

12          “(b) The Commandant may designate to have the au-  
13 thority provided under subsection (a) any special agent of  
14 the Coast Guard Investigative Service whose duties in-  
15 clude conducting, supervising, or coordinating investiga-  
16 tion of criminal activity in programs and operations of the  
17 United States Coast Guard.

18          “(c) The authority provided under subsection (a)  
19 shall be exercised in accordance with guidelines prescribed  
20 by the Commandant and approved by the Attorney Gen-  
21 eral and any other applicable guidelines prescribed by the  
22 Secretary of transportation or the Attorney General.”.

23          (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 5 of title 14, United States

1 Code, is amended by striking the item related to section  
2 95 and inserting the following:

“95. Special agents of the Coast Guard Investigative Service; law enforcement authority.”.

## 3 **TITLE IV—MISCELLANEOUS**

### 4 **SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.**

5 Title 46, United States Code, is amended—

6 (1) by striking “or is not titled in a State” in  
7 section ~~12102(a)~~; *12102(a)*;

8 (2) by adding at the end of section 12301 the  
9 following:

10 “(c) A documented vessel shall not be titled by a  
11 State or required to display numbers under this chapter,  
12 and any certificate of title issued by a State for a docu-  
13 mented vessel ~~than~~ *shall* be surrendered in accordance  
14 with regulations prescribed by the Secretary.

15 “(d) The Secretary may approve the surrender under  
16 subsection (a) of a certificate of title covered by a pre-  
17 ferred mortgage under section 31322(d) of this title only  
18 if the mortgagee consents.”;

19 (3) by striking section 31322(b) and inserting  
20 the following:

21 “(b) Any indebtedness secured by a preferred mort-  
22 gage that is filed or recorded under this chapter, or that  
23 is subject to a mortgage, security agreement, or instru-  
24 ments granting a security interest that is deemed to be

1 a preferred mortgage under subsection (d) of this section,  
 2 may have any rate of interest to which the parties agree.”;

3 (4) by striking “mortgage or instrument” each  
 4 place it appears in section 31322(d)(1) and inserting  
 5 “mortgage, security agreement, or instrument”;

6 (5) by striking section ~~31322(d)(1)(3)~~  
 7 *31322(d)(3)* and inserting the following:

8 “(3) A preferred mortgage under this sub-  
 9 section continues to be a preferred mortgage even if  
 10 the vessel is no longer titled in the State where the  
 11 mortgage, security agreement, or instrument grant-  
 12 ing a security interest became a preferred mortgage  
 13 under this ~~subsection~~; *subsection.*”;

14 (6) by striking “mortgages or instruments” in  
 15 subsection 31322(d)(2) and inserting “mortgages,  
 16 security agreements, or instruments”;

17 (7) by inserting “a vessel titled in a State,” in  
 18 section 31325(b)(1) after “a vessel to be docu-  
 19 mented under chapter 121 of this title,”;

20 (8) by inserting “a vessel titled in a State,” in  
 21 section ~~31325(b)(8)~~ 31325(b)(3) after “a vessel for  
 22 which an application for documentation is filed  
 23 under chapter 121 of this title,”; and

1           (9) by inserting “a vessel titled in a State,” in  
 2           section 31325(c) after “a vessel to be documented  
 3           under chapter 121 of this title,”.

4 **SEC. 402. CONVEYANCE OF COMMUNICATION STATION BOS-**  
 5 **TON MARSHFIELD RECEIVER SITE, MASSA-**  
 6 **CHUSETTS.**

7           (a) **AUTHORITY TO CONVEY.—**

8           (1) **IN GENERAL.**—The Secretary of Transpor-  
 9           tation may convey, by an appropriate means of con-  
 10          veyance, all right, title, and interest of the United  
 11          States in and to the Coast Guard Communication  
 12          Station Boston Marshfield Receiver Site, Massachu-  
 13          setts, to the Town of Marshfield, Massachusetts.

14          (2) **LIMITATION.**—The Secretary shall not con-  
 15          vey under this section the land on which is situated  
 16          the communications tower and the microwave build-  
 17          ing facility of that station.

18          (3) **IDENTIFICATION OF PROPERTY.—**

19                (A) The Secretary may identify, describe  
 20                and determine the property to be conveyed to  
 21                the Town under this section.

22                (B) The Secretary shall determine the  
 23                exact acreage and legal description of the prop-  
 24                erty to be conveyed under this section by a sur-



1           vey satisfactory to the Secretary. The cost of  
2           the survey shall be borne by the Town.

3           (b) TERMS AND CONDITIONS.—Any conveyance of  
4 property under this section shall be made—

5           (1) without payment of consideration; and

6           (2) subject to the following terms and ~~condi-~~  
7 ~~tions~~; *conditions*:

8                   (A) The Secretary may reserve utility, ac-  
9 cess, and any other appropriate easements on  
10 the property conveyed for the purpose of oper-  
11 ating, maintaining, and protecting the commu-  
12 nications tower and the microwave building fa-  
13 cility.

14                   (B) The Town and its successors and as-  
15 signs shall, at their own cost and expense,  
16 maintain the property conveyed under this sec-  
17 tion in a proper, substantial, and workmanlike  
18 manner as necessary to ensure the operation,  
19 maintenance, and protection of the communica-  
20 tions tower and the microwave building facility.

21                   (C) Any other terms and conditions the  
22 Secretary considers appropriate to protect the  
23 interests of the United States.

24           (c) EFFECTIVE DATE.—The amendment made by  
25 subsection (a) takes effect January 1, 1998.

1 **SEC. 403. CONVEYANCE OF NAHANT PARCEL, ESSEX COUN-**  
2 **TY, MASSACHUSETTS.**

3 (a) IN GENERAL.—The Commandant, United States  
4 Coast Guard, may convey, by an appropriate means of  
5 conveyance, all right, title, and interest of the United  
6 States in and to the United States Coast Guard Recre-  
7 ation Facility Nahant, Massachusetts, to the Town of  
8 Nahant.

9 (b) IDENTIFICATION OF PROPERTY.—The Com-  
10 mandant may identify, describe, and determine the prop-  
11 erty to be conveyed under this section.

12 (c) TERMS OF CONVEYANCE.—The conveyance of  
13 property under this section shall be made—

14 (1) without payment of consideration; and

15 (2) subject to such terms and conditions as the  
16 Commandant may consider appropriate.

17 **SEC. 404. CONVEYANCE OF EAGLE HARBOR LIGHT STA-**  
18 **TION.**

19 (a) AUTHORITY TO CONVEY.—

20 (1) IN GENERAL.—The Administrator of the  
21 General Services Administration shall convey, by an  
22 appropriate means of conveyance, all right, title, and  
23 interest of the United States in and to the Eagle  
24 Harbor Light Station, Michigan, to the Keweenaw  
25 County Historical Society.

1           (2) IDENTIFICATION OF PROPERTY.—The Sec-  
2       retary may identify, describe, and determine the  
3       property to be conveyed pursuant to this subsection.

4       (b) TERMS OF CONVEYANCE.—

5           (1) IN GENERAL.—The conveyance of property  
6       pursuant to this section shall be made—

7           (A) without payment of consideration; and

8           (B) subject to the conditions required by  
9       paragraphs (3), (4), and (5) and other terms  
10      and conditions the Secretary may consider ap-  
11      propriate.

12       (2) REVERSIONARY INTEREST.—In addition to  
13      any term or condition established pursuant to para-  
14      graph (1), the conveyance of property pursuant to  
15      this section shall be subject to the condition that all  
16      right, title, and interest in the property conveyed  
17      shall immediately revert to the United States if the  
18      property, or any part of the property—

19           (A) ceases to be maintained in a manner  
20      that ensures its present or future use as a  
21      Coast Guard aid to navigation; or

22           (B) ceases to be maintained in a manner  
23      consistent with the provisions of the National  
24      Historic Preservation Act of 1966 (16 U.S.C.  
25      470 et seq.).

1           (3) MAINTENANCE OF NAVIGATION FUNC-  
2           TIONS.—The conveyance of property pursuant to  
3           this section shall be made subject to the conditions  
4           that the Secretary considers to be necessary to as-  
5           sure that—

6                   (A) the lights, antennas, and associated  
7                   equipment located on the property conveyed,  
8                   which are active aids to navigation, shall con-  
9                   tinue to be operated and maintained by the  
10                  United States;

11                  (B) the person to which the property is  
12                  conveyed may not interfere or allow interference  
13                  in any manner with aids to navigation without  
14                  express written permission from the Secretary;

15                  (C) there is reserved to the United States  
16                  the right to relocate, replace, or add any aid to  
17                  navigation or make any changes to the property  
18                  conveyed as may be necessary for navigational  
19                  purposes;

20                  (D) the United States shall have the right,  
21                  at any time, to enter the property without no-  
22                  tice for the purpose of maintaining aids to navi-  
23                  gation; and

24                  (E) the United States shall have an ease-  
25                  ment of access to the property for the purpose

1 of maintaining the aids to navigation in use on  
2 the property.

3 (4) OBLIGATION LIMITATION.—The person to  
4 which the property is conveyed is not required to  
5 maintain any active aid to navigation equipment on  
6 property conveyed pursuant to this section.

7 (5) REVERSION BASED ON USE.—The convey-  
8 ance of the property described in subsection (a) is  
9 subject to the condition that all right, title, and in-  
10 terest in the property conveyed shall immediately re-  
11 vert to the United States if the property, or any part  
12 of the property ceases to be used as a nonprofit cen-  
13 ter for public benefit for the interpretation and pres-  
14 ervation of maritime history.

15 (6) MAINTENANCE OF PROPERTY.—The person  
16 to which the property is conveyed shall maintain the  
17 property in accordance with the National Historic  
18 Preservation Act of 1966 (16 U.S.C. 470 et seq.),  
19 and other applicable laws.

20 **SEC. 405. CONVEYANCE OF COAST GUARD STATION**  
21 **OCRACOEKE, NORTH CAROLINA.**

22 (a) AUTHORITY TO CONVEY.—

23 (1) IN GENERAL.—The Commandant, United  
24 States Coast Guard, or his designee (the “Com-  
25 mandant”) may convey, by an appropriate means of

1 conveyance, all right, title, and interest of the  
2 United States of America (the “United States”) in  
3 and, to the Coast Guard station Ocracoke, North  
4 Carolina, to the ferry division of the North Carolina  
5 Department of Transportation.

6 (2) IDENTIFICATION OF PROPERTY.—The Com-  
7 mandant may identify, describe, and determine the  
8 property to be conveyed under this section.

9 (b) TERMS AND CONDITIONS.—The conveyance of  
10 any property under this section shall be made—

11 (1) without payment of consideration; and

12 (2) subject to the following terms and condi-  
13 tions:

14 (A) EASEMENTS.—The Commandant may  
15 reserve utility, access, and any other appro-  
16 priate easements upon the property to be con-  
17 veyed for the purpose of—

18 (i) use of the access road to the boat  
19 launching ramp;

20 (ii) use of the boat launching ramp;

21 and

22 (iii) use of pier space for necessary  
23 search and rescue assets (including water  
24 and electrical power).

(B) MAINTENANCE.—The ferry division of North Carolina Department of Transportation, and its successors and assigns shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial and workmanlike manner necessary for the use of any easements created under subparagraph (A).

(C) REVERSIONARY INTEREST.—All right, title, and interest in and to administered by the general services administration if the property, or any part thereof, ceases to be used by the Ferry Division of North Carolina Department of Transportation.

(D) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

**SEC. 406. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY, FLORIDA.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to the University of Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property

1 comprising the Long Branch Rear Range Light,  
2 Jacksonville, Florida.

3 (2) IDENTIFICATION OF PROPERTY.—The Sec-  
4 retary may identify, describe, and determine the  
5 property to be conveyed under this section.

6 (b) TERMS AND CONDITIONS.—Any conveyance of  
7 any property under this section shall be made—

8 (1) subject to the terms and conditions the  
9 Commandant may consider appropriate; and

10 (2) subject to the condition that all right, title,  
11 and interest in and to property conveyed shall imme-  
12 diately revert to the United States if the property,  
13 or any part thereof, ceases to be used by Jackson-  
14 ville University, Florida.

15 **SEC. 407. COAST GUARD CITY, USA.**

16 The community of Grand Haven, Michigan, shall be  
17 recognized as “Coast Guard City, USA”.

18 **SEC. 408. VESSEL DOCUMENTATION CLARIFICATION.**

19 Section 12102(a)(4) of title ~~49~~, 46, United States  
20 Code, and section 2(a) of the Shipping Act, 1916 (46  
21 U.S.C. App. 802(a)) are each amended by—

22 (1) striking “president or other”; and

23 (2) inserting a comma and “by whatever title,”  
24 after “chief executive officer”.



1 **SEC. 409. SANCTIONS FOR FAILURE TO LAND OR TO BRING**  
 2 **TO; SANCTIONS FOR OBSTRUCTION OF**  
 3 **BOARDING AND PROVIDING FALSE INFORMA-**  
 4 **TION.**

5 (a) *IN GENERAL.*—Chapter 109 of title 18, United  
 6 States Code, is amended by adding at the end new section  
 7 2237 to read as follows:

8 **“§2237. Sanctions for failure to land or to bring to;**  
 9 **sanctions for obstruction of boarding and**  
 10 **providing false information**

11 “(a)(1) *It shall be unlawful for the pilot, operator, or*  
 12 *person in charge of an aircraft which has crossed the border*  
 13 *of the United States, or an aircraft subject to the jurisdic-*  
 14 *tion of the United States operating outside the United*  
 15 *States, to knowingly fail to obey an order to land by an*  
 16 *authorized Federal law enforcement officer who is enforcing*  
 17 *the laws of the United States relating to controlled sub-*  
 18 *stances, as that term is defined in section 102(6) of the Con-*  
 19 *trolled Substances Act (21 U.S.C. 802(6)), or relating to*  
 20 *money laundering (sections 1956–57 of this title).*

21 “(2) *The Administrator of the Federal Aviation Ad-*  
 22 *ministration, in consultation with the Commissioner of*  
 23 *Customs and the Attorney General, shall prescribe regula-*  
 24 *tions governing the means by, and circumstances under*  
 25 *which, a Federal law enforcement officer may communicate*  
 26 *an order to land to a pilot, operator, or person in charge*

1 of an aircraft. Such regulations shall ensure that any such  
 2 order is clearly communicated in accordance with applica-  
 3 ble international standards. Further, such regulations shall  
 4 establish guidelines based on observed conduct, prior infor-  
 5 mation, or other circumstances for determining when an  
 6 officer may use the authority granted under paragraph (1).

7 “(b)(1) It shall be unlawful for the master, operator,  
 8 or person in charge of a vessel of the United States or a  
 9 vessel subject to the jurisdiction of the United States, to  
 10 knowingly fail to obey an order to bring to that vessel on  
 11 being ordered to do so by an authorized Federal law enforce-  
 12 ment officer.

13 “(2) It shall be unlawful for any person on board a  
 14 vessel of the United States or a vessel subject to the jurisdic-  
 15 tion of the United States to—

16 “(A) fail to comply with an order of an author-  
 17 ized Federal law enforcement officer in connection  
 18 with the boarding of the vessel;

19 “(B) impede or obstruct a boarding or arrest or  
 20 other law enforcement action authorized by any Fed-  
 21 eral law; or

22 “(C) provide information to a Federal law en-  
 23 forcement officer during a boarding of a vessel regard-  
 24 ing the vessel’s destination, origin, ownership, reg-

1        *istration, nationality, cargo, or crew, which that per-*  
 2        *son knows is false.*

3        *“(c) This section does not limit in any way the pre-*  
 4        *existing authority of a customs officer under section 581*  
 5        *of the Tariff Act of 1930 or any other provision of law en-*  
 6        *forced or administered by the Customs Service, or the pre-*  
 7        *existing authority of any Federal law enforcement officer*  
 8        *under any law of the United States to order an aircraft*  
 9        *to land or a vessel to bring to.*

10       *“(d) A foreign nation may consent or waive objection*  
 11       *to the enforcement of United States law by the United*  
 12       *States under this section by radio, telephone, or similar oral*  
 13       *or electronic means. Consent or waiver may be proven by*  
 14       *certification of the Secretary of State or the Secretary’s des-*  
 15       *ignee.*

16       *“(e) For purposes of this section—*

17                *“(1) A ‘vessel of the United States’ and a ‘vessel*  
 18                *subject to the jurisdiction of the United States’ have*  
 19                *the meaning set forth for these terms in the Maritime*  
 20                *Drug Law Enforcement Act (46 App. U.S.C. 1903);*

21                *“(2) an aircraft ‘subject to the jurisdiction of the*  
 22                *United States’ includes—*

23                        *“(A) an aircraft located over the United*  
 24                        *States or the customs waters of the United*  
 25                        *States;*

1           “(B) an aircraft located in the airspace of  
2           a foreign nation, where that nation consents to  
3           the enforcement of United States law by the  
4           United States; and

5           “(C) over the high seas, an aircraft without  
6           nationality, an aircraft of United States reg-  
7           istry, or an aircraft registered in a foreign na-  
8           tion that has consented or waived objection to the  
9           enforcement of United States law by the United  
10          States;

11          “(3) an aircraft ‘without nationality’ includes—

12           “(A) an aircraft aboard which the pilot, op-  
13           erator, or person in charge makes a claim of reg-  
14           istry, which claim is denied by the nation whose  
15           registry is claimed; and

16           “(B) an aircraft aboard which the pilot, op-  
17           erator, or person in charge fails, upon request of  
18           an officer of the United States empowered to en-  
19           force applicable provisions of United States law,  
20           to make a claim of registry for that aircraft;

21          “(4) the term ‘bring to’ means to cause a vessel  
22          to slow or come to a stop to facilitate a law enforce-  
23          ment boarding by adjusting the course and speed of  
24          the vessel to account for the weather conditions and  
25          sea state; and

1           “(5) the term ‘Federal law enforcement officer’  
2       has the meaning set forth in section 115 of this title.

3           “(f) Any person who intentionally violates the provi-  
4       sions of this section shall be subject to—

5           “(1) imprisonment for not more than 3 years;  
6       and

7           “(2) a fine as provided in this title.

8           “(g) An aircraft that is used in violation of this section  
9       may be seized and forfeited. A vessel that is used in viola-  
10      tion of subsection (b)(1) or subsection (b)(2)(A) may be  
11      seized and forfeited. The laws relating to the seizure, sum-  
12      mary and judicial forfeiture, and condemnation of property  
13      for violation of the customs laws, the disposition of such  
14      property or the proceeds from the sale thereof, the remission  
15      or mitigation of such forfeitures, and the compromise of  
16      claims, shall apply to seizures and forfeitures undertaken,  
17      or alleged to have been undertaken, under any of the provi-  
18      sions of this section; except that such duties as are imposed  
19      upon the customs officer or any other person with respect  
20      to the seizure and forfeiture of property under the customs  
21      laws shall be performed with respect to seizures and forfeit-  
22      ures of property under this section by such officers, agents,  
23      or other persons as may be authorized or designated for that  
24      purpose. A vessel or aircraft that is used in violation of

1 *this section is also liable in rem for any fine or civil penalty*  
2 *imposed under this section.”.*

3       **(b) CLERICAL AMENDMENT.**—*The chapter analysis for*  
4 *chapter 109 of title 18, United States Code, is amended by*  
5 *inserting the following new item after the item for section*  
6 *2236:*

*“2237. Sanctions for failure to land or to bring to; sanctions for obstruction of  
boarding or providing false information.”.*